

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE MARICOPA COUNTY, ARIZONA

C-64-00-261-2

THIS AGREEMENT is entered into 3/Only, 2000, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954 as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, acting by and through its Board of Supervisors (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The County desires to preserve the existing State Route (SR) 303L and the unconstructed SR 303L corridor as a regional transportation facility. This would include the County assuming full responsibility for the operation and maintenance of the existing SR 303L roadway and responsibility for constructing the new corridor, except the partially State funded structure over Grand Avenue, under JPA 98-16, attached hereto by reference, recorded by the Secretary of State on June 3, 1998, under file number 22402.

4. The State and the County have previously agreed to funding considerations for the construction of the SR 303L Overpass at Grand Avenue under the intergovernmental agreement (IGA), JPA 98-16. The purpose of this agreement is to define each parties responsibilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 24/36
Filed with the Secretary of State
Date Filed: 07/31/00
Betsy Bayless
Secretary of State
By *Dick V. Greenwald*

II. SCOPE OF WORK

1. The State will:

- a. Retain the SR 303L Corridor as a State Route from MC-85 to Interstate 17 (I-17).
 - i. Retain existing right of way from Interstate 10 (I-10) to Grand Avenue.
 - ii. After concurrence by the State and local jurisdiction, request approval from the State Transportation Board to adopt the modification to the existing established corridor alignment from Grand Avenue to Lake Pleasant Road as depicted on Exhibit A, attached hereto and made a part hereof.
 - iii. Retain the alignment of Lake Pleasant Road from Happy Valley Road to SR 74; and SR 74 from Lake Pleasant Road to I-17 as the SR 303L Corridor.
- b. Upon selection of the alignment from Lake Pleasant Road to I-17 by the County and concurrence by the State and local jurisdictions, request approval from the State Transportation Board and Maricopa Association of Governments (MAG) Regional Council to adopt the modification to the existing established corridor alignment as a state corridor.
- c. Review the design and right of way documents and provide comments as appropriate to insure the intent of the SR 303L to ultimately be developed as a fully controlled access facility. The development will utilize both State and County design standards (dual unit English/Metric design, specifications and other documents is acceptable), except from Union Hills Drive to Reems Road; the construction plans will be in Metric Units.
- d. Be responsible for any contractor claims for extra compensation attributable to the State.
- e. Participate in additional funding for Cotton Lane/Thomas Road as represented in the MAG FY 2000-2004 TIP (\$1.4 million in FY2001).
- f. Participate in additional funding to construct various road improvements for Cotton Lane as represented in the MAG FY 2000-2004 TIP (\$1.1 million in FY2001). The State agrees to give consideration to the County's updated statistical data on pavement conditions.
- g. In the event the State exercises its rights to fully operate, maintain and construct SR 303L, the State will recommend the County be reimbursed for the difference in the advance right of way acquisition from a 140 foot corridor to the 300 foot corridor requested by ADOT, as well as additional right of way required to accommodate future traffic interchanges. The reimbursement is based solely on the 160 foot differential between County and State standards. The ultimate authority on right of way reimbursement to the County, resides with the MAG Regional Council and the State Transportation Board.
- h. With respect to new grade separated overpasses at Mountain View and Clearview Boulevards in Surprise, Arizona, the State agrees no access to SR 303L will be provided at these locations without express written consent by all concerned parties (State, County, Surprise, Del Webb and/or Sun City Grand Homeowner's Association).

i. Participate as a review or Technical Advisory Committee Member on future Design Concept Reports, Corridor Studies, Location/Design Studies, Interchange Studies, Environmental or related planning or engineering analysis related to SR 303L.

2. The County will:

a. Submit alignment recommendations to ADOT for submittal to the State Transportation Board and for concurrence by MAG for the route from Lake Pleasant Road to I-17.

b. Furnish all necessary design and right of way documents to the State for timely comments, and to insure the intent of the SR 303L will ultimately be developed as a fully controlled access facility. The County will strive to preserve a 300 foot corridor. The development will utilize both State and County design standards (dual unit English/Metric design, specifications and other documents is acceptable), except Union Hills Drive to Reems Road will be metric.

c. Upon the State's concurrence of the plans, calls for bids and award one or more construction contracts for the Project(s). Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation attributable to the County.

i. Accept funding participation in the amount of \$1.4 million from the State for Cotton Lane/Thomas Road.

ii. Accept funding participation in the amount of \$1.1 million from the State for road improvements to SR 303L.. The County will submit an updated analysis and cost estimate for current pavement conditions to ADOT for consideration.

d. Operate and maintain SR 303L corridor as a regional transportation facility, and function as the permitting authority utilizing ADOT standards in place at the time of permitting.

e. Continue to preserve a full access controlled facility through planning and advance right of way acquisition .

f. Strive to develop future partnerships with other jurisdictions and private entities to develop future roadway improvements.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until the State designates the road as part of the MAG Regional Freeway System or abandons all right of way to the County; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Maricopa County
Department of Transportation
2901 W. Durango Street
Phoenix, AZ 85009

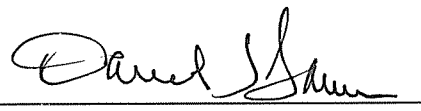
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

MARICOPA COUNTY

By 
ANDREW KUNASEK
Chairman Of The Board

STATE OF ARIZONA
Department of Transportation

By 
DANIEL S. LANCE, P.E.
Deputy State Engineer

Attest by:

By 
FRAN MCCARROLL
Clerk of the Board 062100

RESOLUTION

BE IT RESOLVED on this 18th day of November 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the County of Maricopa, for the purpose of defining responsibilities for the design, construction, funding, operation and maintenance of the existing and unconstructed SR 303L corridor.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

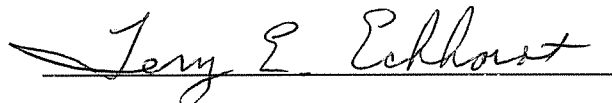
DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and MARICOPA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 19th day of June 2000.


County Attorney

Agenda Activity: Action
 Department: Transportation
 Category: Chief Public Works Officer
 Contact: Renate Lewis
 Return to: April Champion - Brenda Zambelli
 Location: DEPT OF TRANSPORTATION ADMIN BLDG

Agenda Number: C-64-00-261-2-00

Phone: 506-8647 Continued from:

Phone: 506-4640

Action Requested:

Approve an Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and Maricopa County with provisions for the County to assume responsibility for operation and maintenance of SR 303L. It additionally provides for cost sharing of \$2.5 million by ADOT on proposed MCDOT projects as follows: MCDOT Project # 68965, Loop 303 from McDowell to Indian School, estimated at \$3.6 million, with ADOT share at \$1.4 million. MCDOT Construction & Operations Division future maintenance resurfacing or rehabilitation project (to be determined) estimated at \$1.1 million, with ADOT share of \$1.1 million offsetting the cost to MCDOT.

"Please return an executed original to
 the Clerk of the Board of Supervisors."
Brenda Zambelli
MCDOT

Complete description of action requested:

The County desires to preserve the existing SR 303L and the unconstructed SR 303L corridor as a regional transportation facility. This would include the County assuming full responsibility for the operation and maintenance of the existing SR 303L roadway and responsibility for constructing the new corridor, except the partially State funded structure over Grand Avenue. The State and the County have previously agreed to funding considerations for the construction of the SR 303L Overpass at Grand Avenue under the IGA, JPA 98-16. The State will: ? Retain SR 303L as a State Route from MC 85 to I-17 and retain the existing right of way from I-10 to Grand Avenue. The County will assume the responsibility for the operation and maintenance of SR 303L, plus the responsibility for constructing the new corridor. ? Review the design and right of way documents and provide comments as appropriate to insure the intent of the SR 303L to ultimately be developed as a fully controlled access facility. ? Be responsible for any contractor claims for extra compensation attributable to the State. ? Participate in additional funding for Cotton Lane/Thomas Road as represented in the MAG FY 2000/2004 TIP (\$1.4 m in FY 2001). This is MCDOT's Project # 68965, Loop 303 from McDowell to Indian School. ? Participate in additional funding to construct various road improvements for Cotton Lane as represented in the MAG FY 2000-2004 TIP (\$1.1 m in FY 2001). ? In the event the State exercises its rights to fully operate, maintain and construct SR 303L, the State will recommend the County be reimbursed for the difference in the advance right of way acquisition from a 140 foot corridor to the 300 foot corridor requested by ADOT, as well as additional right of way required to accommodate future traffic interchanges ? With respect to new grade separated overpasses at Mountain View and Clear View Boulevards in Surprise, Arizona; the State agrees no access to SR 303L will be provided at these locations without express written consent by State, County, Surprise, Del Webb, and/or Sun City Grand Homeowner's Association. ? Participate as a review or Technical Advisory Committee Member on future Design Concept Reports, Corridor Studies, Location/Design Studies, Interchange Studies, Environmental or related planning or engineering analysis related to SR 303L.. The County will: ? Operate and maintain SR 303L as a regional transportation facility and will function as the permitting authority; will preserve the potential for a full access controlled facility through planning and advance right of way acquisition. ? Submit alignment recommendations to ADOT for submittal to the State Transportation Board and for concurrence by MAG for the route from Lake Pleasant Road to I-17. ? Furnish all necessary design and right of way documents to the State for timely comments, and to insure the intent of the SR 303L will ultimately be developed as a fully controlled access facility. The County will strive to preserve a 300-foot corridor. Supervisory District No. 4 and 5.

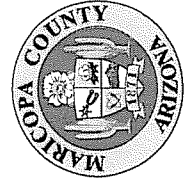
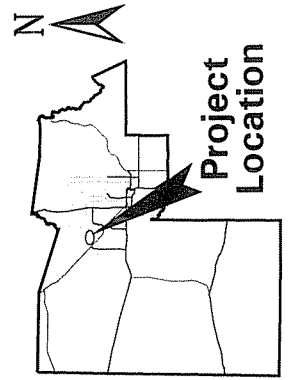
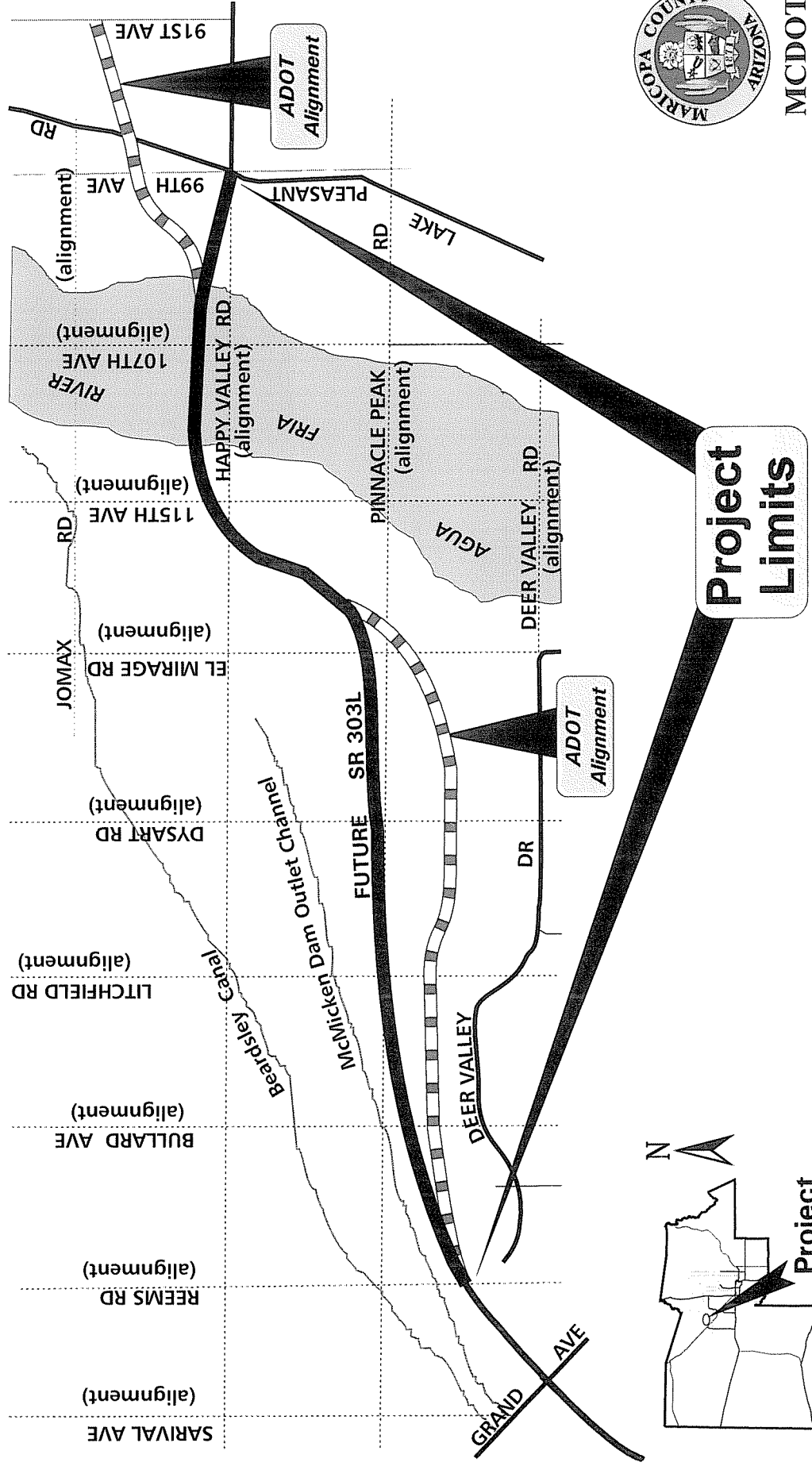
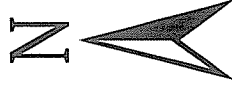
Expenditure Impact by FY(s):

\$2.5 million revenue in FY 2000/2001. \$1.4 million toward project # 68965, which MCDOT has expenditures programmed for a total of \$3.6 million in FY's 2001, 2002, and 2003. \$1.1 million toward a future maintenance resurfacing or rehabilitation project in the Operating budget.

Routing: Meeting Date: 06/21/2000		
Legend X=Pending A=Approved R=Rejected		
LEGAL	MATL_MNGT	OMB
A	A	A

Exhibit A

S.R. 303L Reems Road to Lake Pleasant Road



MCDOT
JUNE/05/2000



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
95-0163458 03/27/95 12:11
LILIAN 1 OF 2

MARCH 17, 1995

RES. NO: 95-03-A-023
PROJECT: 303LMA019H087902R / 600-9-704
303LMA000H087801R / 600-9-701
HIGHWAY: ESTRELLA FREEWAY
SECTION: Grand Ave. - Litchfield Rd.
Broadway - U.S. 60
ROUTE NO.: SR 303L
ENG. DIST: M
COUNTY: Maricopa

When recorded return to:
ADOT - R/W Acctg. - 612E
205 S. 17th Avenue
Phoenix, AZ 85007

RESOLUTION OF FOUR YEARS NOTICE OF ABANDONMENT

LARRY S. BONINE, Director, Arizona Department of Transportation, on March 17, 1995, presented and filed with this Transportation Board his written report under Arizona Revised Statutes Section 28-1864, recommending that the local jurisdictions affected by the Estrella Freeway be given a four years advance notice of abandonment as required by law.

The right of way for which this notice is given is the Estrella Freeway as depicted in Appendix "A".

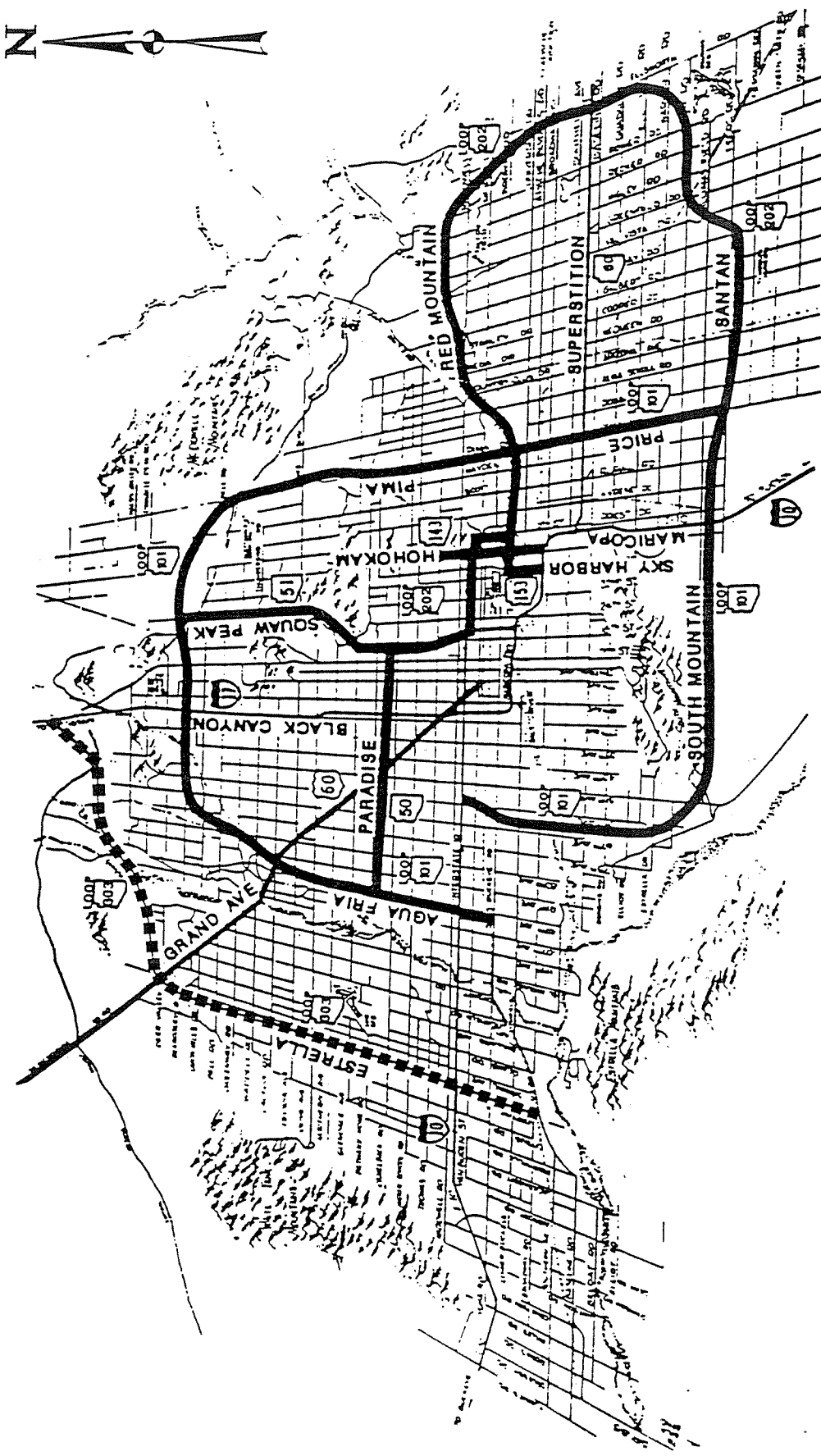
WHEREAS said right of way will not be needed for future state transportation purposes; and

WHEREAS this Board finds that public safety, necessity and convenience will be served by accepting the Director's report; therefore, be it

RESOLVED that the recommendation of the Director is adopted and made part of this resolution; be it further

RESOLVED that the affected local jurisdictions are hereby given a four years advance notice of abandonment for right of way depicted in Appendix "A", as required by Arizona Revised Statute 28-106, Paragraph H; be it further

RESOLVED that the Director provide written notice to the affected local jurisdictions evidencing this four years advance notice of abandonment.



303LMA019H087902R/600-9-704
 303LMA000H087801R/600-9-701
 ESTRELLA PARKWAY, S.R. 303 LOOP
 Grand Ave. - Litchfield Road
 Broadway - U.S. 60
 Maricopa County
 3-17-95 Scale: 1" = 6 Miles ±
 Sheet 1 of 1

AREA OF
 4 YEAR NOTICE

APPENDIX "A"

THIS PLAT WAS PHOTOGRAPHICALLY
 REPRODUCED FROM —
 MARICOPA COUNTY, ARIZONA

MARCH 17, 1995

RES. NO: 95-03-A-023
PROJECT: 303LMA019H087902R / 600-9-704
303LMA000H087801R / 600-9-701
HIGHWAY: ESTRELLA FREEWAY
SECTION: Grand Ave. - Litchfield Rd.
Broadway - U.S. 60
ROUTE NO.: SR 303L
ENG. DIST: M
COUNTY: Maricopa

REPORT AND RECOMMENDATION

TO THE HONORABLE ARIZONA TRANSPORTATION BOARD:

The Highways Division has made a thorough investigation concerning the future abandonment of a portion of the right of way acquired for the Estrella Freeway within the above referenced projects. Said freeway was previously established by various Transportation Board Resolutions.

The previously acquired right of way will not be needed for state transportation purposes. Arizona Revised Statute 28-106, Paragraph H, requires that the affected jurisdictions be provided four years advance notice of the abandonment.

Accordingly, I recommend that said jurisdictions be given a four years advance notice of the abandonment as provided by law.

The right of way for which this notice is given is depicted in Appendix "A".

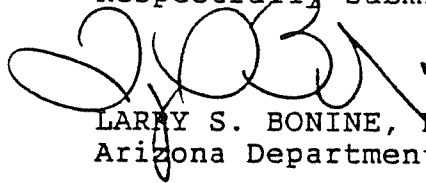
I further recommend that the right of way depicted in Appendix "A" be abandoned by future Transportation Board resolution to the affected local jurisdictions at the expiration of four years from the date notice is given.

MARCH 17, 1995

RES. NO: 95-03-A-023
 PROJECT: 303LMA019H087902R / 600-9-704
 303LMA000H087801R / 600-9-701
 HIGHWAY: ESTRELLA FREEWAY
 SECTION: Grand Ave. - Litchfield Rd.
 Broadway - U.S. 60
 ROUTE NO.: SR 303L
 ENG. DIST: M
 COUNTY: Maricopa

Pursuant to Arizona Revised Statutes Section 28-1864, I recommend that the Transportation Board adopt a resolution making this recommendation effective.

Respectfully submitted,



LARRY S. BONINE, Director
 Arizona Department of Transportation

MARCH 17, 1995

RES. NO: 95-03-A-023
PROJECT: 303LMA019H087902R / 600-9-704
303LMA000H087801R / 600-9-701
HIGHWAY: ESTRELLA FREEWAY
SECTION: Grand Ave. - Litchfield Rd.
Broadway - U.S. 60
ROUTE NO.: SR 303L
ENG. DIST: M
COUNTY: Maricopa

CERTIFICATION

I, LARRY S. BONINE, Director of the Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the minutes of the Transportation Board made in official session on March 17, 1995.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the Transportation Board on March 17, 1995.



LARRY S. BONINE, Director
Arizona Department of Transportation